

**NORTH CAROLINA CRIMINAL JUSTICE  
EDUCATION AND TRAINING STANDARDS COMMISSION**

**MINUTES**

**DATE:** May 18, 2018

**TIME:** 9:00 A.M.

**LOCATION:** Wake Technical Community College - Public Safety Education Campus  
Raleigh, North Carolina

**SUBMITTED BY:** Steven G. Combs  
Director

**MEMBERS PRESENT**

Chief Chris Blue  
Sergeant Randy Byrd  
Mr. Eddie Caldwell  
Ms. Leslie Cooley-Dismukes  
Mr. David Dail  
Mr. Richard Epley  
Mr. James Fisher-Davis  
Ms. Stephanie Freeman  
Ms. Jane Gilchrist  
Chief Robert Hassell  
Chief Tim Hayworth  
Mr. Brent Herron  
Chief Bill Hollingsed  
Deputy Chief Brian James  
Ms. Teresa Jardon  
Mr. Steve Johnson  
Mayor Bobby Kilgore  
Chief Jeff McCracken  
Colonel Glenn McNeill  
Ms. Tracy McPherson  
Mr. Nathan Mizell  
Mr. Kenneth Mullen  
Chief Ron Parrish  
Mr. Trey Robison  
Sergeant David Rose  
Mr. Michael Slagle  
Mr. Jeff Welty  
Ms. Angela Williams

**MEMBERS ABSENT**

Captain Marianne Bond  
Ms. Tasha Jones Butts  
Captain Lee Farnsworth  
Chief Tim Ledford  
Director Bob Schurmeier

**I. CALL TO ORDER**

Commission Chairman Bill Hollingsed called the meeting to order. Following the roll call, Commission Chairman Hollingsed declared that a quorum was present and welcomed all visitors to the Commission meeting. Commission Chairman Hollingsed read the Ethics Responsibility into the minutes.

Commission Chairman Hollingsed welcomed Mr. Bradford Sneed, Legislative Liaison to Attorney General Josh Stein. He gave a warm welcome to Diane Konopka, Director and Sirena Jones, Deputy Director of the Sheriffs' Standards Division.

Commission Chairman Hollingsed personally thanked Ms. Joleigh Kelley and Mr. Jon Gregory for hosting the Commission at the Wake Technical Community College Public Safety Education Campus.

**II. PRESENTATION OF RESOLUTIONS OF APPRECIATION**

Commission Chairman Hollingsed entertained a motion to approve the Resolution of Appreciation for former Commissioner Jay Fortenbery.

**MOTION was made by Commissioner Randy Byrd to approve the Resolution of Appreciation for former Commissioner Jay Fortenbery; seconded by Commissioner Teresa Jardon. The MOTION carried unanimously.**

Chairman Hollingsed read the Resolution of Appreciation into the minutes.

**III. AWARDING OF ADVANCED CERTIFICATES  
[Agenda Memorandum No. 01-18]**

Commission Chairman Hollingsed reported that staff had evaluated the applications of all one hundred and seventy-one (171) candidates. There were one hundred and forty-eight (148) candidates for the Advanced Law Enforcement Certificate and twenty-three (23) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

**MOTION was made by Commissioner Byrd that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Jardon and carried unanimously.**

The following individuals were present to personally receive their Advanced Law Enforcement or Advanced Criminal Justice Certificates:

Douglas Pilgreen	Chowan University Campus Police Department Presented by Commissioner Hollingsed
Daniel Kuszaj	Durham Police Department Presented by Commissioner Hollingsed
Thomas Scozzafava	Durham Police Department Presented by Commissioner Hollingsed
Julius Robertson, Jr.	Matthews Police Department Presented by Chief Keith King of Creedmoor Police Department and Keyona Terry
Derrick Barnes	N.C. State Highway Patrol Presented by Colonel Glenn McNeill and Sergeant G.B. Dills
Michael Davis	N.C. State Highway Patrol Presented by Colonel McNeill
Michael Dodson	N.C. State Highway Patrol Presented by Colonel McNeill
James M. Dorsey, Jr.	N.C. State Highway Patrol Presented by Colonel McNeill
David S. Gould	N.C. State Highway Patrol Presented by Colonel McNeill and Sergeant M.K. King
Joshua K. Legan	N.C. State Highway Patrol Presented by Colonel McNeill

Joseph G. Leonard	N.C. State Highway Patrol Presented by Colonel McNeill
Chad E. Lloyd	N.C. State Highway Patrol Presented by Colonel McNeill
Glenn M. Powell	N.C. State Highway Patrol Presented by Colonel McNeill
Donald C. Pridgen	N.C. State Highway Patrol Presented by Colonel McNeill
Devin M. Rich	N.C. State Highway Patrol Presented by Colonel McNeill
Shawn Williams	Roxboro Police Department Presented by Chief David Hess and Lieutenant Ricky Hughes
Michael J. File	Spencer Police Department Presented by Chief Michael Lowes
Colon M. Cagle, III	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Stephanie Freeman, Michael Slagle, Angela Williams and Teresa Jardon
Kenneth Woody	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman, Slagle, Williams and Jardon
Timothy Jones	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman, Slagle, Williams and Jardon
Mary Leary	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman, Slagle, Williams and Jardon
Ricardo Ballard	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman, Slagle, Williams and Jardon
Larry Rascoe	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman, Slagle, Williams and Jardon
Seth H. Berkshire	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman, Slagle, Williams and Jardon
Roberto Munoz	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman, Slagle, Williams and Jardon

Tara L. Tucker	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman, Slagle, Williams and Jardon
Kathleen G. Mustian	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman, Slagle, Williams and Jardon
Christopher R. Streba	N.C. Department of Public Safety/Division of Adult Correction and Juvenile Justice Presented by Commissioners Freeman, Slagle, Williams and Jardon
Steven Sherwin	Chapel Hill Police Department Presented by Chief Chris Blue

#### IV. MINUTES OF FEBRUARY 16, 2018 MEETING

Commission Chairman Hollingsed entertained a motion to approve the minutes of the previous Commission meeting.

**MOTION was made by Commissioner Blue that the Commission approve the minutes as amended. The MOTION was seconded by Commissioner Byrd and carried unanimously.**

#### V. STANDING COMMITTEE REPORTS

##### A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell stated that the Executive Committee discussed a number of issues but there was nothing to report at the present time.

Chairman Caldwell asked Director Steven Combs to give an update on the Criminal Justice Standards Division. A copy of his written report is attached.

Chairman Caldwell asked Director Trevor Allen to give an update on the Justice Academy. A copy of his written report is attached.

##### B. Education and Training Committee – Chairperson Stephanie Freeman

Chairperson Freeman reported that the Education and Training Committee met on Wednesday, May 16, 2018 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Freeman reported that on behalf of the Criminal Justice Standards Division, Director Steven Combs presented a proposed rule change requesting the removal of BLET, Unit 6 Sheriff-Specific from Municipal and State Agencies Training Academies. This request would require a rule change to 12 NCAC 09B .0205 – Basic Law Enforcement Training, (a) Civil Process, (b) Sheriff's Responsibilities – Detention Duties, and (c) Sheriff's Responsibilities – Court Duties. Both Municipal and State Agencies are not responsible for duties that fall under the Sheriff's Specific Unit. The proposed rule would allow these agencies the option to remove Unit 6 from the BLET course. Chairperson Freeman stated that Director Diane Konopka, Sheriffs' Standards Division, would implement the requested change and track individuals who are required to take Unit 6 for employment.

Commissioner Steve Johnson proposed to remove in part (b) "Police Departments and State Agencies" and replace with "Accredited Delivery Agencies may elect to exclude" and on line 7 to

remove "State Agencies and Police Departments" and replace with "Accredited Delivery Agencies Approved to Facilitate."

**MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule 12 NCAC 09B .0205 – Basic Law Enforcement Training as follows: paragraph (b) shall read as follows: "Accredited delivery agencies may elect to exclude (c)(6) Sheriff Specific Unit". The course entitled: "Basic Law Enforcement Training" shall consist of a minimum of 606 hours of instruction (c) (1-5) for accredited delivery agencies approved to facilitate the Commission-accredited Basic Law Enforcement Training course and shall include the following identified topical areas in subparagraph (c) and minimum instructional hours for each." Paragraph (c) shall read as follows: "Institutions not excluding the Sheriff-Specific Unit shall consist of a minimum of 640 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each"; seconded by Commissioner Byrd. The MOTION carried unanimously.**

Chairperson Freeman reported that Jennifer Fisher with the Justice Academy proposed a rule change for 12 NCAC 09B .0205 – Basic Law Enforcement Training to increase the hours of two BLET topic blocks by four hours each.

**MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule 12 NCAC 09B .0205 – Basic Law Enforcement Training as follows: (1) Modify the language in paragraph (b) as follows: Change the hours from "632" to "640"; (2) Modify the language in paragraph (b), subparagraph (2)(C) "Traffic Crash Investigation" as follows: Change the hours from "20" to "24"; (3) Modify the language in paragraph (b), subparagraph (2) "UNIT TOTAL" as follows: change the hours from "124" to "128"; (4) Modify the language in paragraph (b), subparagraph (3)(B) "Domestic Violence Response" as follows: Change the hours from "12" to "16"; (5) Modify the language in paragraph (b), subparagraph (3) "UNIT TOTAL" as follows: Change the hours from "76" to "80"; and (6) Modify the language in paragraph (b) "TOTAL COURSE HOURS" as follows: Change the hours from "632" to "640"; seconded by Commissioner Blue. The MOTION carried.**

Director Combs proposed a new rule to mandate "School Resource Officer Training" offered by the North Carolina Justice Academy for all School Resource Officers to rule 12 NCAC 09B .0313 – Training for School Resource Officers. This would ensure all School Resource Officers complete a year of basic training due to an upcoming state law. Commissioner Johnson reported that a draft was in the legislature for new training for school safety officers to be implemented by January 15, 2019 and completion by September, 2019.

Chairperson Freeman suggested removing "certification" from the rule's title since certification will be tracked or maintained. Also, the title changed to "Training for School Resource Officer" for section (b) to read: "School Resource Officer Training course as "authored" by the Justice Academy be applied as basic curriculum. Section (c) changed to read: "Law Enforcement Officers assigned by their agency to perform duties as a School Resource Officer shall "have obtained" general certification as a law enforcement officer from the N.C. Criminal Justice Training and Standards Commission or N.C. Sheriff's Education and Training Standards Commission" and complete "with a passing score" within one year after being assigned an School Resource Officer or training pursuant to 12 NCAC 09B .0313.

**MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to adopt rule 12 NCAC 09B .0313 – Training for School Resource Officers as follows: (a) The School Resource Officer Training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform in the capacity of a School Resource Officer. The course shall be for a period of not less than 40 hours; (b) The “School Resource Officer Training” course, provided by the Justice Academy is to be applied as basic curriculum for the School Resource Officer training course for law enforcement officers certified with the Commission; (c) Law Enforcement Officer assigned by their agency to perform duties as a School Resource Officer shall: (1) have been issued general certification by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs’ Education and Training Standards Commission as a Law Enforcement Officer; and (2) have completed or complete within one year after being assigned as a School Resource Officer, the “School Resource Officer Training” course pursuant to paragraph (b) of this Rule; seconded by Commissioner Johnson. The MOTION carried.**

Chairperson Freeman reported that Director Combs proposed an update to the topics for 2019 In-Service Chief’s Choice Credit for the National Certification Program administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

**MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training as follows: (1) Modify the language in paragraph (a) as follows: change “18” credits to “20” credits; (2) Modify the language in paragraph (a) subparagraph (1) as follows: change the year from “2018” to “2019”; (3) Modify the language in paragraph (a), subparagraph (2) as follows: Change the year from “2018” to “2019”; (4) Modify the language in paragraph (a), subparagraph (3) as follows: change the title from “2018 Strategies to Improve Law Enforcement Interactions and Relationships with Minority Youth” to “2019 Juvenile Law Update”; (5) Modify the language in paragraph (a), subparagraph (4) as follows: change the title from “2018 Equality in Policing (4 credits)” to “Individual Wellness: Coping with Stress & PTSD (2 credits)”; (6) Modify the following language in paragraph (a) subparagraph (5) as follows: Change the title from “2018 Communications Skills with Persons in Crisis – De-escalation Techniques (4 credits)” to “2019 Best Practices for Officers During Community Dissent (2 credits)”; (7) Paragraph (a), subparagraph (6) shall read as follows: “2019 Law Enforcement Intelligence Update: Gangs and Divisive Groups (2 credits)” (8) Paragraph (a), subparagraph (7) shall read as follows: “2019 Domestic Violence: Law and Procedure Update (2 credits); (9) Paragraph (a), subparagraph (8) shall read as follows: “2019 Opioid Awareness and Response (2 credits)”; (9) Add the following language to paragraph (b) after the word “Section” on line 23: “and National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year, shall satisfy in part or in whole the topic requirements set forth by the agency head”; seconded by Commissioner McNeill. The MOTION carried.**

Chairperson Freeman reported that on behalf of the North Carolina Community College System, Commissioner Tracy McPherson proposed a rule change to rule 12 NCAC 09B .0203 – Admission of Trainees – amending the admissions standard for BLET – Reading Level Requirement.

**MOTION was made by Commissioner Freeman that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule 12 NCAC 09B .0203 – Admission of Trainees as follows: Add the following language to paragraph (e); “Scores at or above mastery level on the NROC EdReady Skill Inventory for English or”; Delete the following duplicated language at the end of paragraph (e): “Within one year prior to admission to Basic Law Enforcement Training”; seconded by Commissioner Jeff McCracken. The MOTION carried.**

Chairperson Freeman reported that on behalf of the BLET Revision Committee, Ms. Fisher requested approval for major revisions to the following lesson plans: (1) Anti-Terrorism – major revisions were made to the lesson plan to include training objectives and videos. A legal review was conducted; (2) Communication Skills for Law Enforcement Officers – major revisions were made to the lesson plan to include training objectives; (3) Explosives and Hazardous Materials Emergencies – major revisions were made to the lesson plan to include training objective changes; (4) Firearms – major revisions were made to the lesson plan to include training objective changes; (5) Juvenile Law and Procedures – major revisions were made to the lesson plan to include training objective changes; and (6) Techniques of Traffic Law Enforcement – major revisions were made to the lesson plan to include training objective changes, handouts and videos. The Committee approved this request.

Chairperson Freeman reported that Ms. Felicia Banks with North Carolina Department of Public Safety, Office of Staff Development and Training requested approval for major revisions to the Basic Correctional Officer Training Program. The changes include a new two-hour lesson plan “Situational Awareness”. The Committee approved this request.

Next, Chairperson Freeman noted that on behalf of the School Accreditation Subcommittee, Deputy Director Michelle Schilling, Criminal Justice Standards Division requested accreditation of the following institutions for a period of five years: Leland Police Department – SMI; Blue Ridge Community College – SMI; and North Carolina Wildlife Resources Commission – BLET. Deputy Director Schilling provided a compliance update on the previously approved reaccreditation of Martin Community College – BLET. The Committee approved the request.

Mr. Jason McIntyre, Criminal Justice Standards Division presented information on behalf of the SMI Advisory Committee related to their evaluation of new technology proposed by various manufacturers for addition to speed measuring instruments already approved for use in North Carolina. He stated that only one speed measuring instrument was submitted for review for 2017 – 2018 evaluation cycle. The instrument (MPH Industries, Inc. SureShot LIDAR) was evaluated and denied under rule 1.A.1 of Appendix A of the Supplement for SMI Training due to user friendliness and reliability concerns.

Chairperson Freeman reported that Dan Worley, North Carolina Justice Academy, requested approval for major revisions to the Supplement for Speed Measuring Instrument (SMI) Training and the Radar Instructor and Operator Manual. The following major revisions are: (1) The “cover” page for radar operator and instructor manuals will reflect a copyright date of June 2018 to reflect the revision date; (2) Basic principles section, page 3, will reflect the most recent revision date of June 2018 in the Academic Checklist section of the lesson plans. An example copy of the recommended language has been provided for your review; (3) Basic principles section, page 8, will revise the language to reflect that the most popular radar wavelength being utilized by North Carolina agencies is the “Ka band” device using a wavelength of 4/5 centimeters. This information will give a realistic expectation in the field. (4) Basic principles section, page 19, will add language that identifies large vehicles, buildings, overpasses and bridges as being subject to cause signal fractioning, incoherence, and momentary erroneous readings on the radar device. While this concept is not new and has been discussed in classes previously, we are adding the language to the materials. (5) Basic

principles section, page 25, add language to make teaching points more clear through revised grammar and to remind operators of regulations that have been in place for several years now within the supplement for SMI training, but not specifically addressed in the instructor or operator manual. (6) Basic principles section, page 26, a carryover of the language beginning on page 25; (7) Basic principles section, page 29 provides language to summarize how an operator may experience signal interference during radar operations and how to interpret the interference; (8) Basic principles section, pages 29 to 30, discusses the SMI Advisory Committee's study on new automobile technology concerning radar based anti-collision systems and how they interact with speed-measuring radar operated by law enforcement. The two devices operate off of similar electromagnetic energy concepts, there are some interest in determining if the two systems would interfere while operating simultaneously in an area. The SMI Advisory Committee conducted the testing of speed-measuring instruments produced by various radar manufacturers on our approved for use list against a few different vehicles that had radar based anti-collision systems to determine what, if any, interference or interaction the systems might have with our law enforcement speed measurement operations. The SMI Advisory Committee also consulted with the electromagnetic engineers who designed and built the speed measuring instruments utilized in North Carolina as part of this project to further ensure our findings were accurate and dependable. The new language on pages 29 and 30 will discuss the research and testing in a simplistic and generalized manner; (9) Basic principles section, pages 31 to 32, adds language to expound upon the anticipated effects of electromagnetic energy overdosing and speed-measuring instrument operations; (10) Basic principles section, page 34 adds language in detail how operators should perform tracking histories when interference is detected; (11) Basic principles section, page 44, corrects minor grammatical issues with the language and clarify the topic of spurious readings during speed-measuring instrument operations. An example copy of the recommended language has been provided for your review; and (12) Appendix C of the Supplement for SMI training – revise the existing language to clarify the post-enforcement action tuning fork testing requirements. The previous language was found to confuse operators as to the specific tuning fork required to conduct the testing appropriately. The new language is expected to clarify the procedure so as to ensure correct interpretation of our requirements. The Committee approved these requests.

Mr. McIntyre provided an update on the status of the SMI program audit of the Raleigh Police Department including changes implemented to ensure continued compliance with program standards.

Next, Director Combs presented a status report regarding BLET exam questions, failures and the procedure put in place by his office to address current and future concerns within the field.

Deputy Director Schilling provided an instructor completion update for 2017 regarding the required one hour online renewal training. Currently, 481 instructors have not completed the training.

Chairperson Freeman reported that Ms. Fisher briefed the Education and Training Committee on minor revisions to the BLET curriculum as approved by the BLET Revision Committee. Minor revisions were made to: (1) Civil Process; (2) Controlled Substances; (3) Domestic Violence Response; (4) Elements of Criminal Law; (5) Individuals with Mental Illness or Development Disabilities – two new videos were added to the lesson plan; (6) Orientation – minor revision to the Request for Accommodation handout; (7) Preparing for Court and Testifying in Court – Content was added to this lesson plan that was previously in the Responding to Victims and the Public block of instruction relating to the judicial system; (8) Responding to Victims and the Public – Practical Exercise handout was added; and (9) Sheriff's Responsibilities: Court Duties – Practical Exercise handout was added.

Ms. Felicia Banks briefed the Education and Training Committee on minor revisions to the Correctional Officer Physical Abilities Test (COPAT).

Lastly, Chairperson Freeman stated that Commissioner Johnson provided the Committee with information related to the parameters of long gun low light qualification. He recommended revisions to the In-Service Firearms Qualification Manual based on incorporation of low light firing with other weapons. The revisions include: (1) Shotgun Day – Distance: to be determined by agency based on ammunition carried. Positions: standing and kneeling, minimum rounds 10; (2) Shotgun Night – Distance: To be determined by agency based on ammunition carried. Positions: standing and kneeling; minimum rounds: 10, Light Conditions: variable from total darkness to all available light. Note: handheld or gun mounted lights may be used throughout the course of fire; (3) Rifle/Carbine – Day (does not include Sniper/Rifles), Distance: 7 yards to 50 yards (minimum – distance can be extended); Positions: standing and prone; minimum rounds: 30, approximately 25% fired from 15 yards, approximately 25% fired from 25 yards, approximately 25% fired from 50 yards, approximately 25% fired from distances determined by agency; (4) Rifle/Carbine – Night (does not include Sniper Rifles), Distance: 7 yards to 50 yards (minimum – distance can be determined), Positions: standing, kneeling and prone, minimum rounds: 30, approximately 25% fired from 15 yards, approximately 25% fired from 25 yards, approximately 25% fired from 50 yards, approximately 25% fired from distances determined by agency. Light Conditions: Variable from total darkness to all available light. Note: handheld or gun mounted lights may be used throughout the course of fire; (5) Combat Day & Night Required: Combat courses of fire are conducted primarily with the duty handgun, but shotguns and rifles/carbines may be incorporated into the course of fire; (6) Specialty Weapons – required if carried on both day and night courses of fire. Courses of fire will be determined by the agency use, industry standards or manufacturer's recommendations. These weapons include fully automatic or burst fire weapons, sniper rifles, gas or less lethal munitions weapons; and (7) The officer shall be able to acquire the required positions (standing, kneeling and prone) unassisted. The Committee was in agreement to the recommended changes.

**C. Planning and Standards Committee – Chairman Jeff Welty**

Chairman Welty reported that the Planning and Standards Committee met on May 16, 2018 at Wake Technical Community College Public Safety Center.

Chairman Welty reported that the minutes of the February 14<sup>th</sup> meeting were approved as written.

Chairman Welty reported that the Committee conducted a rule making hearing for the following rule amendments: 12 NCAC 09B .0209 – Criminal Justice Instructor Training; 12 NCAC 09B .0406 – Comprehensive Written Examination – Basic Law Enforcement Training; and 12 NCAC 09G .0414 – Instructor Training.

**MOTION was made by Commissioner Welty that the Commission approve the rule amendments to 12 NCAC 09B .0209 – Criminal Justice Instructor Training – minor changes to topic titles and hours based on the results of the Justice Academy's pilot program on instructor training. Note: line 28 should read "2 hours" instead of "2 hour"; 12 NCAC 09B .0406 – Comprehensive Written Examination – Basic Law Enforcement Training (amendment to allow trainee who has successfully completed a POPAT during BLET, but who is injured prior to the final POPAT, to sit for the written exam with the class and take the final POPAT within 120 days); 12 NCAC 09G .0414 – Instructor Training (minor changes to topic titles and hours based on the results of the Justice Academy's pilot program on instructor training); seconded by Commissioner Brent Herron. The MOTION carried.**

Chairman Welty reported that the Committee reviewed several rule changes and recommended rule making authority for the following rules: 12 NCAC 09B .0101 – Minimum Standards for Criminal Justice Officers; 12 NCAC 09B .0301 – Certification of Instructors; 12 NCAC 09G .0304 – General Certification; 12 NCAC 09C .0103 – Divulging Personal Information; 12 NCAC 09C .0208 – Report

of Separation; 12 NCAC 09C .0305 - Report of Separation; 12 NCAC 09C .0307 – Agency Retention of Records of Certification; 12 NCAC 09C .0310 – Agency Reporting of Drug Screening Results; 12 NCAC 09C .0602 – Testing Accuracy; 12 NCAC 09D .0203 – Basic Criminal Justice Certificate; 12 NCAC 09G .0102 Definitions; 12 NCAC 09G .0103 – Rule Making and Administrative Hearing Procedures; 12 NCAC 09G .0302 – Notification of Criminal Charges/Convictions; 12 NCAC 09G .0306 – Retention of Records of Certification; 12 NCAC 09G .0504 – Suspension: Revocation: or Denial of Certification; 12 NCAC 09G .0505 – Period of Suspension: Revocation: or Denial; 12 NCAC 09G .0603 – Basic State Correction Certificate; and 12 NCAC 09G .0701 – Report: Application: and Certification Forms.

**MOTION was made by Commissioner Welty that the Commission grant rule making authority to the Planning and Standards Committee to revise the following rules: 12 NCAC 09B .0101 – Minimum Standards for Criminal Justice Officers (typographical error in legal citation); 12 NCAC 09B .0301 – Certification of Instructors (typographical error in legal citation); 12 NCAC 09G .0304 – General Certification (allow certified correction officers who move into non-certified positions to return to certified positions without taking basic training again, unless the non-certified position was for disciplinary reasons); 12 NCAC 09C .0103 – Divulging Personal Information (provided that the Standards Division may release information regarding officers only in accordance with state personnel laws; was, “as [the Director] deems necessary”); 12 NCAC 09C .0208 – Report of Separation (requires that the Report of Separation be submitted to the Commission within ten (10) days of an officer’s separation; allows repeal of 12 NCAC 09C .0305 below); 12 NCAC 09C .0305 - Report of Separation (should be repealed; requires that Report of Separation be submitted to the Commission within ten (10) days of an officer’s separation; redundant with revised 12 NCAC 09C .0208); 12 NCAC 09C .0307 – Agency Retention of Records of Certification (clarifies what records an agency must keep for officers with probationary certification and for officers with general certification, including officers transferring from another agency); note that line 30 should read “... with general certification”); 12 NCAC 09C .0310 – Agency Reporting of Drug Screening Results (requires agencies to keep a copy of the “drug screen panel” when an officer tests positive, not merely the fact of the positive result); 12 NCAC 09C .0602 – Testing Accuracy (should be repealed; this is merely a rule number and title with no actual rule content), the rule was repealed in 1998, however, was not reflected in the administrative code as such. The Office of Administrative Hearing will make the correction, therefore rule making authority is not necessary; 12 NCAC 09D .0203 – Basic Criminal Justice Certificate (should be repealed; the intermediate certificate is the first earned certification level); 12 NCAC 09G .0102 Definitions (updates definitions of “misdemeanor” for correctional officers to conform with current crime names and classifications); 12 NCAC 09G .0103 – Rule Making and Administrative Hearing Procedures (correctional officers have 30 days, not 60, to request a contested case hearing after receiving a notice of proposed action from the Commission; conforms to time period required by statute); 12 NCAC 09G .0302 – Notification of Criminal Charges/Convictions (requires correctional officers to notify the Commission of any arrest or charge other than for a minor traffic offense; conforms with practice for criminal justice officers); 12 NCAC 09G .0306 – Retention of Records of Certification (requires Division of Adult Correction and Juvenile Justice (DACJJ) to keep on file each correctional officer’s oath of office and, if separated, separation paperwork); 12 NCAC 09G .0504 – Suspension: Revocation or Denial of Certification (removes outdated definition of good moral character and adds cross-reference to current definition); 12 NCAC 09G .0505 – Period of Suspension: Revocation or Denial (corrects typographical error in cross-reference to another rule); 12 NCAC 09G .0603 – Basic State Correction Certificate (should be repealed; the intermediate certificate is the first earned certificate level); and 12 NCAC 09G .0701 – Report: Application and Certification Forms (minor clean-up including removal of reference to defunct surveillance**

**officer classification); seconded by Commissioner James Fisher-Davis. The MOTION carried.**

Chairman Welty related that the Committee asked staff to review the status of in-service training for correctional officers as to whether or not to add provisions to the rules regarding training.

Next, Chairman Welty reported that Charminique Williams reminded the Committee of the timeline for the Decennial Rules Review process. The Committee reviewed 91 administrative rules. He stated that 87 of the 91 rules were categorized as necessary without substantive public interest. He reported that 4 of the 91 rules were categorized as unnecessary and were repealed.

**MOTION was made by Commissioner Welty that the Commission adopt the proposed classification of all rules and forward the classification report for publication; seconded by Commissioner Fisher-Davis. The MOTION carried.**

Lastly, Chairman Welty reported that a survey was launched in mid-January to law enforcement, Division of Adult Correction Juvenile Justice (DACJJ) and local confinement professionals as part of the development of the 9<sup>th</sup> Edition System Plan. Due to the low response, the survey was recirculated. The Committee discussed possible topics for inclusion, such as diversity training; implicit bias training; a track for middle school students and student athletes interested in criminal justice; an Associate's program for high school students interested in criminal justice; situational training for mass casualties and school resource officers; standardization of leadership training for chiefs and deputy chiefs; supervisory or management training; and how much technology will change over the next three to five years to make an officer's job easier. Chairman Welty reported that the Committee will hold additional meetings for further study of the System Plan.

#### **Probable Cause Committee – Chairman Tim Hayworth**

Chairman Hayworth reported that the Probable Cause Committee met on Wednesday, May 16<sup>th</sup> and Thursday, May 17, 2018 at Wake Technical Community College, Raleigh, North Carolina.

Chairman Hayworth reported that the minutes of February 15<sup>th</sup> and February 16, 2018 were approved as presented.

Chairman Hayworth reported that four officers were certified after having committed a criminal offense by the Criminal Justice Standards Division.

Chairman Hayworth reported that on Wednesday, May 16, 2018, fourteen officers/applicants were on the agenda with a total of 21 alleged violations of the Administrative Code. One case was continued. No probable cause was found against seven officers/applicants involving ten allegations. Probable Cause was found in the case of one officer involving two allegations. Probable Cause was found against six other officers involving eight allegations with the offer of a lesser sanction of a written reprimand.

**MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/009A; seconded by Commissioner Brian James. The MOTION carried unanimously.**

**MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/021; seconded by Commissioner Ron Parrish. The MOTION carried unanimously.**

**MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/024; seconded by Commissioner Williams. The MOTION carried unanimously.**

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/025; seconded by Commissioner James. The MOTION carried unanimously.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/026; seconded by Commissioner Richard Epley. The MOTION carried unanimously.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/032; seconded by Commissioner Epley. The MOTION did not carry and the Commission voted to return the case to the Probable Cause Committee for further review.

**VI. OTHER BUSINESS**

None

**VII. OLD BUSINESS**

None

**VIII. DATE OF NEXT MEETING**

Commission Chairman Hollingsed advised that the next Commission meeting is scheduled for August 15 - 17, 2018 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

**IX. MOTION TO ADJOURN**

MOTION was made by Commissioner Bobby Kilgore that the Commission adjourn; seconded by Commissioner Nathan Mizell. The MOTION carried unanimously.